

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

CURTIS CORPORATION d/b/a
GROSSE POINTE BIG BOY and
BB234 LLC,

Plaintiffs,

v.

AMGUARD INSURANCE COMPANY,

Defendant.

Case No. 19-_____
Hon. _____

Wayne County Case No. 19-004159-CB
Hon. Edward Ewell, Jr.

PATRICK A. KING (P27701)
Attorney for Plaintiffs
Fabian, Sklar, King & Liss P.C.
33450 W. Twelve Mile Rd.
Farmington Hills, MI 48331
(248) 553-2000 / (248) 553-2020 fax
pking@fabiansklar.com

DENISE L. MITCHAM (P33208)
Attorney for Defendant
Conklin Benham, P.C.
30700 Telegraph Rd., Ste. 2580
Bingham Farms, MI 48025
(248) 593-2450 / (248) 593-2451 fax
dmitcham@conklinbenham.com

**DEFENDANT AMGUARD INSURANCE COMPANY'S
NOTICE OF REMOVAL TO FEDERAL COURT**

NOW COMES Defendant, AmGuard Insurance Company (hereinafter "AmGuard"), by and through the law offices of Conklin Benham, P.C., hereby files this Notice of Removal of the above referenced to the United States District Court for the Eastern District of Michigan from the Wayne County Circuit Court for the State of Michigan, pursuant to 28 US Code, Chapter 89, and states as follows:

1. Plaintiffs, Curtis Corporation d/b/a Grosse Pointe Big Boy and BB234 LLC, filed this case in Wayne County Circuit Court for the State of Michigan and served the Summons and Complaint to Defendant's registered agent on April 10, 2019.

2. The above-entitled cause of action is civil in nature and involves a fire loss that allegedly occurred at Plaintiffs' place of business, a liquor store located at 20710 Mack Avenue, Grosse Pointe Woods, Michigan. Plaintiffs have alleged that Defendant is obligated to pay for Plaintiffs' loss and damages as a result of the fire pursuant to an insurance policy that was issued by Defendant, AmGuard Insurance Company. See Plaintiffs' Complaint attached as Exhibit A.

3. Defendant, AmGuard Insurance Company is a foreign corporation that is incorporated in the State of Pennsylvania, but is authorized to do business in Michigan.

4. The above entitled cause involves a controversy which is wholly between citizens of different states in that Plaintiffs Curtis Corporation and BB234 LLC are citizens of the State of Michigan, while Defendant AmGuard Insurance Company is a foreign corporation incorporated under the laws of the State of Pennsylvania, having its principal place of business in the State of Pennsylvania.

5. Pursuant to 28 U.S.C. §1332(a), the federal district courts of the United States are given original jurisdiction over this matter.

6. The timeframe within which Defendant is required to file this Notice of Removal in order to remove this case has not yet expired.

7. The value of the matter in controversy in this cause of action exceeds \$75,000, exclusive of interest and costs, as Plaintiffs have filed a proof of loss in the amount of \$1,001,127.04.

8. Defendant will give written notice of the filing of this notice as required by 28 U.S.C. § 1446(d), to the Plaintiffs and the State Court (Wayne County Circuit Court). See Defendant's Notice to Plaintiff of Removal of Action from State Court to Federal Court attached as Exhibit B.

WHEREFORE, Defendant requests that this action proceed in this Court as an action properly removed to it.

Respectfully Submitted,

CONKLIN BENHAM, P.C.

BY: /S/Denise L. Mitcham (P33208)
Denise L. Mitcham (P33208)
Attorney for Defendant
30700 Telegraph Rd., Ste. 2580
Bingham Farms, MI 48025
(248) 593-2450

Dated: May 2, 2019

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Attorney for Plaintiffs
Fabian, Sklar, King & Liss P.C.
33450 W. Twelve Mile Rd.
Farmington Hills, MI 48331
(248) 553-2000 / (248) 553-2020 fax
pking@fabiansklar.com

DENISE L. MITCHAM (P33208)
Attorney for Defendant
Conklin Benham, P.C.
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Bingham Farms, MI 48025
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dmitcham@conklinbenham.com


PROOF OF SERVICE

La'Tangalar Dugan, being first duly sworn, deposes and states on May 2, 2019 she served **Defendant AmGuard Insurance Company's Notice to Plaintiffs of Removal to Federal Court** and this **Proof of Service** by Wayne County's online Court filing system to the following person(s):

Patrick A. King
Fabian, Sklar, King & Liss P.C.
33450 W. Twelve Mile Rd.
Farmington Hills, MI 48331


La'Tangalar Dugan

Subscribed and sworn to before me
on May 2, 2019.


Christina R. Helton
Notary Public – Wayne County, MI
Acting in Oakland County
My commission expires: 12-24-20